

by the ordinary individual under customary conditions of purchase and use since the coined term "Acket" had been used for the ingredient salicylamide, as explained in a footnote, and the ingredients, calcium succinate, caffeine, and vitamin B<sub>1</sub>, which were not active for the purposes for which the article was offered, appeared in such fashion as not to distinguish them from the active ingredients.

**DISPOSITION:** The Kordol Corp. of America appeared as claimant and filed an answer denying the allegations of the libel. On September 8, 1952, a set of written interrogatories was served upon the claimant by the Government. Thereafter, a motion was filed by the Government for an order striking the claimant's pleadings and for the entry of a default decree of condemnation upon the ground that the claimant failed to respond to the interrogatories within the time provided by the Federal Rules of Civil Procedure.

On April 10, 1953, the court granted the Government's motion, and in accordance therewith, it entered a decree providing for the condemnation and destruction of the product.

**4034. Misbranding of Kon-trol-R. U. S. v. 30 Dozen Bottles, etc. (F. D. C. No. 34449. Sample No. 56927-L.)**

**LIBEL FILED:** December 24, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 28, 1952, by the Kon-trol-R Co. of America, from Indianapolis, Ind.

**PRODUCT:** 24 dozen ½-pint bottles and 6 dozen 1-pint bottles of *Kon-trol-R* at Cincinnati, Ohio, together with a number of circulars entitled "Kon-trol-R For Your Figure." Examination showed that the product was mint-flavored cider vinegar.

**LABEL, IN PART:** "\* \* \* Kon-trol-R For Your Figure \* \* \* A Special Blend of Pure Apple Juice Processed for Optimum Acidity, Mint Flavored."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements on the label of the article and in the above-mentioned circulars, namely, "Kon-trol-R For Your Figure A Pleasant Aid to The Easiest System for Weight Control \* \* \* A Simple Weight Controlling System," were false and misleading. The statements represented and suggested that the article was effective to bring about a loss of body weight, whereas it was not effective for such purpose.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** February 4, 1953. Default decree of condemnation and destruction.

**4035. Misbranding of Aspergum. U. S. v. 48 Cartons \* \* \*. (F. D. C. No. 33562. Sample No. 37284-L.)**

**LIBEL FILED:** August 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 15, 1952, by White Laboratories, Inc., from Kenilworth, N. J.

**PRODUCT:** 48 cartons, each containing 1 dozen boxes, of *Aspergum* at New York, N. Y.